



Promoting and Fulfilling the

Right to Development

Case Studies from Asia Pacific



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Promoting and Fulfilling the Right to Development:

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The Asia Pacific Forum on Women, Law, and Development (APWLD)¹ initially prepared this report as a submission to the mandate of the Special Rapporteur on the right to development, addressing the promotion and fulfilment of the right to development in the Asia Pacific region. It has now been expanded to become a practical compendium on the work done at local, national and regional levels to realise the right to development. In its current version, this publication:

- provides a short history of Asia Pacific civil society’s commitments and demands stemming from the 1986 UN Declaration on the Right to Development and relationship to the current agenda on sustainable development;
- identifies existing systemic barriers to the achievement of the right to development, based on analysis submitted by APWLD member organisations and allies, and;
- presents case studies of local-level development initiatives, several designed and led by women, to highlight experiences, successes and shortfalls that will help identify good practices in designing and implementing gender-responsive human development policies and processes.

¹ APWLD is Asia Pacific’s leading feminist, membership driven network. Our 236 members represent organisations and groups of diverse women from 27 countries in the region. We use capacity development, research, advocacy and activism to claim and strengthen women’s human rights.

1 Introduction

The Asia Pacific region hosts 60 percent of the world's population and includes the majority of the world's poor, most of whom are women.² Development policies in Asia are often pointed to as successful models for global development. However, the region still has the largest concentration of people without adequate food, income and employment, and there is little evidence that these policies have benefitted women, particularly rural and indigenous women.³ On the contrary, decades of neoliberal globalisation have shown that austerity, privatisation, deregulation of finance, markets and corporations, and trade and investment liberalisation have had a devastating and discriminatory impact on women.

While we applaud and appreciate the mandate for committing to a human rights-based approach to advancing human development, this report seeks to show that the structural and underlying inequalities, which impede on women's realisation of the right to development must be addressed, and human development initiatives must be gender-responsive in nature.

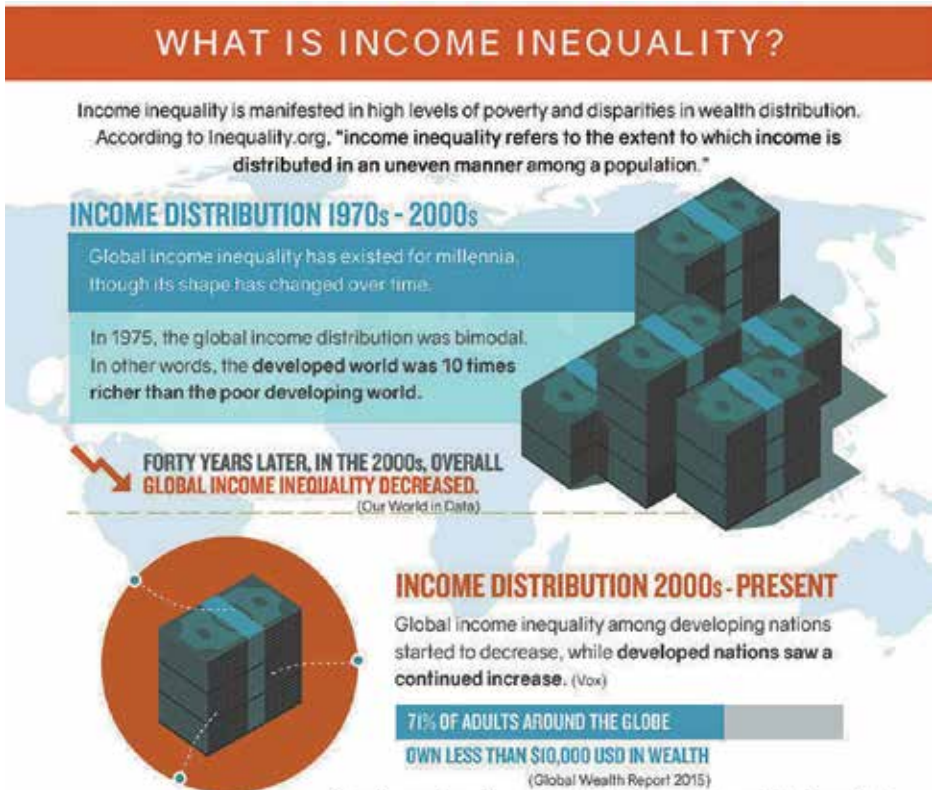
The first part of this report offers background on women-led efforts in the Asia Pacific region to advance a transformative development framework that addresses the structural causes of inequalities and fulfils promises to women's human rights; a model of Development Justice. The second part of this report examines existing systemic barriers to the achievement of the right to development. Finally, the third part of this report offers case studies that give insights to best practices in designing and implementing policies and programmes to advance a redistributive and transformative development model. In conclusion, we offer recommendations for implementing development policies and programs that are consistent with states' obligation to respect, promote, protect and fulfil women's human rights.

2 United Nations Economic and Social Commission for Asia and the Pacific (2013). *Population Trends in Asia and the Pacific*. Retrieved from: <https://www.unescap.org/sites/default/files/SPPS-Factsheet-Population-Trends-v3.pdf>

3 See Food and Agriculture Organisation of the United Nations (2017). *The State of Food Security and Nutrition in the World*, pg 7. Retrieved from: https://docs.wfp.org/api/documents/WFP-0000022419/download/?_ga=2.268521401.974489353.1506032202-1929593996.1506032202 and International Labour Office (2018). *World Employment Social Outlook*, comparison of regional unemployment statistics. Retrieved from: https://www.ilo.org/global/research/global-reports/weso/2018/WCMS_615594/lang--en/index.htm

2 Background

The current form of globalisation, which can be considered as emerging from after the Cold War and at the turn of the century, has seen a dominant global economic and political system defining the development model. This is a system driven by the movement of capital and the belief that “development” and “growth” are synonymous. Such a model has caused rates of inequality to soar by channelling wealth from the working class to the rich and from developing countries to wealthy countries. In 2017, 82 percent of all wealth created went to the top 1 percent of the world’s wealthiest individuals.⁴ In the same single year period, billionaires saw their wealth increase by US\$762 billion dollars, an amount that could end global extreme poverty seven times over.⁵

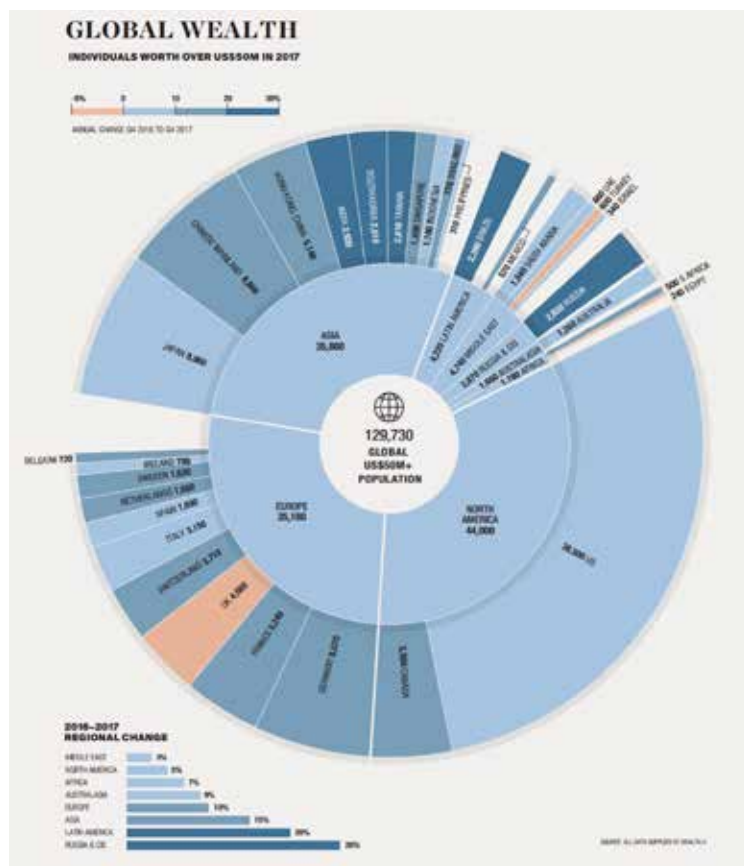


Source: <https://valuewalk.com/2018/07/global-economic-inequality-infographic>

4 Oxfam International (2018). *Reward Work, Not Wealth*. Retrieved from: https://www.oxfamamerica.org/static/media/files/Reward_Work_Not_Wealth_Full_Report_-_English_-_Embargo_22_January_2018.pdf

5 Ibid.

A political economic system that prioritises profit over human development has resulted in a global order in which the extreme wealth of a few individuals (who are mostly men) depends on unstable and often dangerous work by the poor majority, most especially by women, who bear the heaviest burden of informal and precarious work.⁶ This deeply inequitable global architecture calls for reinvigorating the international principle of solidarity and the obligation to create a social and international order in which rights can be realised. The right to development cannot be achieved through localised efforts to alleviate poverty alone, and must be achieved through a change in the international order and national policies, and in the ability of groups to exercise their democratic rights to act collectively in the interest of their right to development.



Source: World's Ultra-Wealthy Population, in One Chart (2018). Retrieved from: <https://www.visualcapitalist.com/worlds-ultra-wealthy-population-chart/>

6 Oxfam International (2017). *Why the majority of the world's poor are women*. Retrieved from: <https://www.oxfam.org/en/even-it/why-majority-worlds-poor-are-women>

2.1 The Development Justice Framework



AP-RCEM group photo at the CSO consultation on “Reaching out for Development Justice”, August 2013

In consideration of these systemic issues, APWLD along with civil society from the Asia Pacific region have advocated for a transformative and redistributive development framework that departs from the market-driven development architecture of the past. Since 2013, regional civil society groups representing 92 organisations from 21 countries and representing various major groups and stakeholders have engaged in the post-2015 process which shaped what is now the 2030 Agenda, to advance a series of key demands that are framed as Development Justice.⁷ In its evolution, Development Justice has now become the framework for political unity of the Asia Pacific Regional CSO Engagement Mechanism (AP-RCEM), an Asia and Pacific CSO platform with 620 members from 17 constituencies and five subregions. AP-RCEM engages on development with the regional commission for Asia Pacific, or the United Nations Economic and Social Commission for Asia Pacific (UNESCAP), and is the first such recognised civil society platform.

Development Justice is a transformative development architecture that aims to reduce inequalities of wealth, power, and resources between countries, between rich and poor, and between men and women. This new development framework seeks to build upon the Rio principles (1992) and other international agreements in the area of development and human rights, including the Programme of Action of the

⁷ *Bangkok Civil Society Declaration: From Inclusive to Just Development* (2013). Retrieved from: <http://apwld.org/bangkok-civil-society-declaration-from-inclusive-to-just-development/>

International Conference on Population and Development (1994) and the Beijing Declaration and Platform for Action (1995), among others. Further, this framework is based on the principles of common but differentiated responsibility and respective capacity and the right to development; embraces a holistic rights-based approach; is grounded in international human rights obligations and peoples' sovereignty; and ensures that the human rights principles of equality, equity, non-discrimination, inclusive participation and decision-making, non-retrogression, and respect for universal and indivisible human rights underpin its policies and practices. Such an approach ensures that the most marginalised both benefit from development and become active agents of change.⁸



Development Justice is grounded in five transformational shifts:

- ***Redistributive Justice*** aims to reduce inequalities between and within countries, among women and men, and among different social groups by implementing policies that redistribute resources, wealth, power and opportunities. Redistributive Justice would require, for instance, the redistribution of unpaid care work and the advancement of the rights of small farm-holders, small fisher-folk, indigenous peoples, and women to have access to, control over and ownership of fisheries, property, productive resources, information, and appropriate and environmentally sound technology.
- ***Economic Justice*** aims to develop economies that enable dignified lives, accommodate for differentiated needs and facilitate capabilities, and make employment and livelihoods available to all through economic structures that are not based on exploitation of people or planet. Economic Justice would require, for instance, progressive and transparent tax policies including country-by-country reporting for multinational companies and the elimination of tax havens, and a more democratic and participatory approach to state budgeting processes.



⁸ AP-RCEM (2014). *Advancing People's Agenda for Development Justice*. Retrieved from: http://www.asiapacificrcem.org/wp-content/uploads/2015/02/FSD_Outcome_CivSociety.pdf

- *Gender and Social Justice* aims to eliminate all forms of discrimination, marginalisation, exclusion and violence and to guarantee the human rights of all peoples, particularly women, regardless of their social, economic, or political circumstances. Gender and Social Justice would require, for instance; the elimination of all discriminatory laws and policies, particularly on the basis of gender, sexual orientation, and gender identity and expression; the elimination of all forms of gender-based violence; guaranteed access to comprehensive services for survivors of violence; and an end to impunity for perpetrators of violence against women. It would also require consultative processes to form gender-responsive policies in all spheres.


- *Environmental Justice* calls for those countries and elites whose consumption, production, and extraction patterns have contributed most to creating the climate crisis to alleviate and compensate those with the least culpability who are already suffering the worst impacts of climate change. Environmental Justice would require, for instance, the elimination of fossil fuel use and resources directed toward building a renewable energy industry based on the principles of decent work and gender equality.


- *Accountability to Peoples* demands democratic and just governments, transparency, and governance that enables people to make informed decisions over their own lives, communities and futures. Accountability to Peoples would require, for instance, the establishment of new, democratic global and national accountability mechanisms such as a binding treaty to regulate multinational corporations as well as localised civic decision-making processes around the use of resources.



Since its inception in 2013, Development Justice has been discussed in civil society and intergovernmental spaces in the region and globally. It has been used as a framework to analyse the outcome documents of key forums on sustainable development, including the 2030 Agenda.⁹

⁹ APRCEM (2014). *Advancing People's Agenda for Development Justice*. Retrieved from http://www.asiapacificrcem.org/wp-content/uploads/2015/02/FSD_Outcome_CivSociety.pdf and APWLD (2014). Retrieved from *The Road to Development Justice Video*, <https://www.youtube.com/watch?v=I12cEDbIW04>.

2.2 Asia Pacific Regional CSO Engagement Mechanism

In order to promote stronger, more coordinated, and more effective civil society contribution in regional and global UN processes, a small group from civil society joined together in 2012 to form the Asia Pacific Regional CSO Engagement Mechanism (AP-RCEM). The idea to establish AP-RCEM derives from engagement experiences in processes leading up to the 2012 Rio+20 conference on sustainable development. The platform is the first of its kind and meets a gap that previously existed in intergovernmental processes, which is that bigger organisations, especially international NGOs, are the ones that dominate UN processes due to their resources and ability to attain accreditation. The dominance of larger NGOs skews the ability of intergovernmental processes to be in touch with lived experiences when community-based, grassroots organisations and smaller NGOs that do vital work are often unable to participate at regional and global levels. AP-RCEM thus organises civil society across this diverse region under this platform and shapes a coherent civil society voice, underpinned by the political commitment to Development Justice, which is the basis of AP-RCEM's political unity. Due to its success in the Asia Pacific region, civil society in Latin America and in Europe are replicating the model to engage with their own regional processes and connect together at the global ones.



Building on the Major Groups and other Stakeholders system, AP-RCEM today consists of 620 civil society organisations working in the Asia Pacific region within 17 different constituencies and five sub-regions. The constituencies are diverse and are led by elected focal points who are truly representative of their constituencies; for instance, the Migrants constituency has a migrant worker as its focal point. It ensures stronger cross constituency coordination and that voices of all sub-regions in the Asia Pacific are heard in intergovernmental processes, and has raised the call for Development Justice throughout the Agenda 2030 process.¹⁰ APWLD, alongside and having served as the first co-chair of AP-RCEM, continues to work to ensure that transforming the political economic structures that perpetuate the deeply inequitable flow of wealth, power, and resources to the world's already-wealthiest countries and individuals and impedes upon equitable human development remain at the core of Agenda 2030 efforts to plan systems to promote and fulfill the right to development.

¹⁰ See, for instance, AP-RCEM (2017). *AP-RCEM Position paper for 2017 High Level Political Forum "Eradicating Poverty and Promoting Prosperity in a Changing World,"* here: <https://sustainabledevelopment.un.org/content/documents/14926APRCEM.pdf>

2.3 Right to Development and the Sustainable Development Goals

Following 16 months of consultations, the Open Working Group produced 17 goals consisting of 169 targets, adopted in 2015 as the 2030 Agenda for Sustainable Development Goals (SDGs). Although improved from the previous Millennium Development Goals, some serious criticisms of the new development agenda include the lack of real commitments or accountability. Four years into the process, states that do not wish to report can choose not to present the Voluntary National Review (VNR) at the annual High Level Political Forum (HLPF). Civil society reports, questions and engagement with government delegations is extremely limited.

In terms of its relationship to the right to development, the 2030 Agenda is narrower and does not go beyond the ambit of existing norms and frameworks, and in some cases falls short of established standards. For instance, the use of the US\$1.25 per person per day measure of extreme poverty for Goal 1 (which is more accurately a starvation indicator) does not allow for a multidimensional understanding of poverty. The SDGs do not challenge the status quo, and importantly, they do not address broader, structural barriers that will prevent the realisation of these goals and of the right to development, further elaborated in Section 3. There is also a certain level of misdirection; for instance, Goal 10, “Reduce inequality within and among countries” focuses on income growth and increase of household expenditure for the bottom 40 percent but does not measure the growth of wealth at the top. Inclusion of wealth indicators such as the Palma ratio would provide a realistic view of the growing inequality worldwide. In fact, research in 2018 projects that by 2030, the richest one percent of the population will own nearly two thirds of all wealth worldwide.¹¹ No targets or calls exist to reduce speculative investment and ensure that capital markets play a constructive role in the global development agenda. Despite the lessons of the 2008 financial crisis, in 2018 debt levels are higher than a decade ago, and with no banking reforms having occurred, many groups including the International Monetary Fund (IMF) warn of a new financial crisis looming.¹²

Overarching critiques of the 2030 Agenda include the lack of democratic accountability and the ease with which autocrats and authoritarian governments

11 Savage, Michael (2018). The Guardian: Richest 1% on target to own two-thirds of all wealth by 2030. Retrieved from: <https://www.theguardian.com/business/2018/apr/07/global-inequality-tipping-point-2030>

12 Inman, Philip (2018) The Guardian: World economy at risk of another financial crash, says IMF. Retrieved from: <https://www.theguardian.com/business/2018/oct/03/world-economy-at-risk-of-another-financial-crash-says-imf>

are able to pledge development commitments through the SDGs while tightening their grip on power and suppressing civil and political freedoms.¹³ Internal critiques of the SDG targets themselves include the absence of a target for universal social protection (although Goal 1 has an indicator for the proportion of population covered by social protection floors/systems), and the lack of a target on living within planetary boundaries.

Targets for Goal 13 on Climate Action include integrating climate change measures into national policies and for developed nations to fulfil their commitment to the Paris Agreement on mobilising US\$100 billion annually by 2020 and operationalising the Green Climate Fund. Little progress has been made on these, while the 2018 report of the Intergovernmental Panel on Climate Change (IPCC) makes it clear that globally efforts to limit emissions are off track. The UN Secretary General's 2018 report states: "The year 2017 was one of the three warmest years on record and was 1.1 degree Celsius above pre-historical levels. WMO [World Meteorological Organisation] analysis shows that the 2013–2017 five-year average global temperature is the highest on record."¹⁴ His report calls for "necessitating urgent and accelerated action by countries as they implement their commitments for the Paris Agreement";¹⁵ however, despite some countries committing to carbon neutrality, many are still looking at low-carbon options such as natural gas as a step away from petrol and coal.

Civil society engagement, particularly of AP-RCEM and the Women's Major Group (WMG), have consistently raised these and other issues ranging from the need to have gender-disaggregated data, to the lack of means of implementation (MoI) at the regional and global meetings for the 2030 Agenda processes. There has not been meaningful discussion at the intergovernmental level on addressing structural barriers that stand in the way of realising the SDGs.

13 Smith, Jeffrey (2018) Quartz Africa: How the UN's Sustainable Development Goals undermine democracy. Retrieved from: <https://qz.com/africa/1299149/how-the-uns-sustainable-development-goals-undermine-democracy/>

14 Report of the Secretary-General (2018) The Sustainable Development Goals Report 2018. Retrieved from: https://sustainabledevelopment.un.org/content/documents/18541SG_SDG_Progress_Report_2018_ECOSOC.pdf

15 *ibid*

3 Structural Barriers to the Achievement of the Right to Development

As mentioned in the introduction, the realisation of the right to development will need to go beyond addressing symptoms of inequality or poverty and press for systemic change. The nature of the changes needed can be understood by assessing existing key structural barriers that act as impediments across a range of countries, demographics and sectors. This section identifies three key barriers and the ways they impact human rights and the right to development.

3.1 Neoliberal Economic Model

One of the principal barriers to the achievement of the right to development is the dominance of neoliberalism over global and national economic policy. Systemic barriers emerge due to labour market deregulation, trade and financial market liberalisation, the privatisation of public services, and global regulations that cement corporate power and make it impossible for states to deliver on the obligation to secure the universal right to development.

Neoliberal economic policies have major discriminatory impacts on women, as they tend to benefit only those with the capacity to capitalise on new market opportunities and workers classified as highly-skilled. As women are most commonly engaged in the informal sector, are less likely to have secure land rights, and are less likely than men to hold large amounts of capital, women benefit far less from “growth” spurred by neoliberal trade agreements than they would from public expenditure in health, education, social welfare programmes, water and energy.¹⁶ Macroeconomic policies under a neoliberal framework facilitate a large flow of funds from developing to developed countries through such forms as illicit financial flows, trade and invoice mispricing, tax evasion and avoidance, the use of secrecy jurisdictions as well as profit repatriation. Illicit financial flows undermine the possibility to close financial gaps and limit governments’ resource base, impeding upon State’s ability to effectively fulfil their human rights obligations.¹⁷ United Nations experts have warned that trade agreements “are likely to have a

16 Lappin, K. (2018). Public Services International, *Free trade or women’s rights?* Retrieved from: <http://www.world-psi.org/en/free-trade-or-womens-rights>

17 UN Women (2017). *Report of the Expert Group Meeting on the CSW 62 Priority Theme: Challenges and Opportunities in Achieving Gender Equality and the Empowerment of Rural Women and Girls.*



Source: “The Road to Development Justice.” APWLD 2018. Retrieved from <https://www.youtube.com/?v=1I2cEDbIW04>

number of retrogressive effects on the protection and promotion of human rights, including by lowering the threshold of health protection, food safety, and labour standards, by catering to the business interests of pharmaceutical monopolies and extending intellectual property protection”¹⁸ all of which pose particular threats to the achievement of women’s right to development.

The neoliberal economic framework further hinders the realisation of human rights by transferring control over the economy as well as public goods and services from governments to a handful of private firms, most often via Public Private Partnerships (PPPs). Quality universal public services are essential to the realisation of the right to development. However, the widespread privatisation of social services such as education and health, and public facilities like markets has violated the right to development and the obligation of states to ensure progressive realisation of economic and social rights as well as eroded democratic rights.¹⁹ The embrace of PPPs is often justified by the limited revenue governments collect, but this is a questionable argument given that PPPs are, in most cases, more expensive than traditional public procurement due to the cost of capital, profit expectations of private investors, and transaction costs to negotiate complex PPP contracts.²⁰ It

18 UNOHCHR (2015). *UN experts voice concern over adverse impact of free trade and investment agreements on human rights*. Retrieved from: <http://www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=16031&LangID=E>

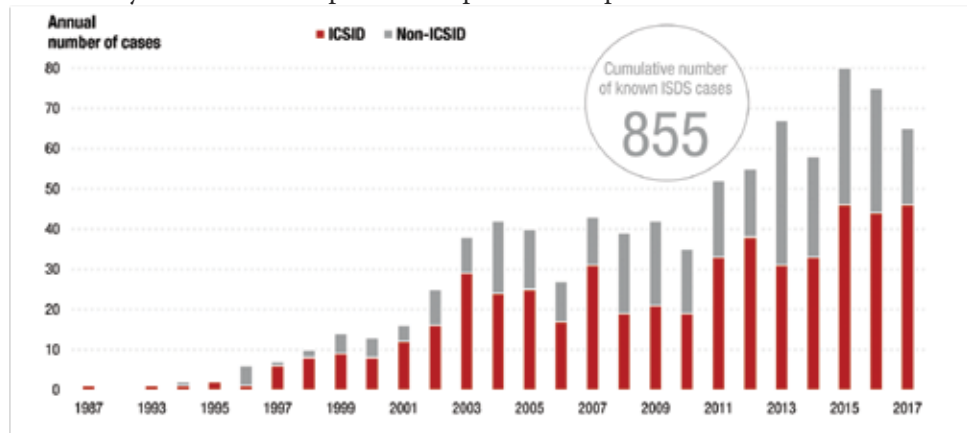
19 The Special Rapporteur on Poverty and Human Rights recently issued a thematic report focused on the human rights impact of privatisation and concluded that privatisation involves “systematic elimination of human rights protections and further marginalisation of the interests of low income earners and those living in poverty.” See: <http://undocs.org/A/73/396>

20 Romero and Vervynckt. (2017). *Unpacking the Dangerous Illusions of PPPs*. Retrieved

should also be noted that companies that invest in PPPs see a global average of 12 percent profitable return on their investments, but in developing nations companies expect an average profit of 25 percent, meaning private investors demand higher profits in nations where funding toward the public good could have the greatest impact on advancing the right to development of the world's most vulnerable.²¹

In a survey conducted by APWLD member Tanggol Bayi on the privatisation of markets in the Philippines, 394 out of 500 respondents expressed disapproval, citing various impacts to their livelihoods. Under market privatisation, many women are forced to take on loans to meet increased costs for rent and the commodity goods they rely on for income- thus reinforcing and increasing women's vulnerability to cyclical poverty, debt, and precarious work.²²

One of the most concerning elements of trade agreements has been the investor protections, or 'Investor State Dispute Settlement' (ISDS), which allow corporations to sue governments in specifically convened tribunals over any practices a corporation may deem discriminatory. These provisions hold major implications for States' ability to act in the interest of advancing women's right to development, as was seen when a French corporation sued the Egyptian government after the government established a minimum wage that the corporation determined would raise its operating costs in the country.²³ The UN Independent Expert on the promotion of a democratic and



Source: UNCTAD, ISDS Navigator.

INVESTOR-STATE DISPUTE SETTLEMENT: REVIEW OF DEVELOPMENTS IN 2017

from: https://www.tni.org/files/publication-downloads/chapter_7_reclaiming_public_services.pdf
 21 Hildyard, N. (2016). *Corrupt but legal? Brussels: Counter Balance*. Retrieved from: http://www.counter-balance.org/wp-content/uploads/2016/12/Corrupt-but-Legal_9Dec.pdf

22 Tanggol Bayi. (2018). *Gendered Impacts of the Privatisation of Markets on Urban Poor Communities*, pg 3.

23 Learn more about this case here: <http://investmentpolicyhub.unctad.org/ISDS/Details/458>

equitable international order suggests that “far from contributing to human rights and development, ISDS has compromised the State’s regulatory functions and resulted in growing inequality among States and within them.”²⁴

Neoliberal economic policies and States’ fealty to the private sector undermine the right to development by prioritising the unhindered flow of global capital over securing even the most basic rights of the most vulnerable. The impact of the broader embrace of neoliberalism on women’s resource rights, food sovereignty and right to decent work and social protection is elaborated in more detail below.

Impediments to the Right to Decent Work: The right to development requires States to ensure Decent Work for all eligible job seekers through the guarantee of just and favourable conditions of work, effective freedom of association and bargaining rights and through industrial policies designed to ensure full, non-discriminatory employment. However, the neoliberal economic model promotes a race to the bottom for wages and working conditions, thus ensuring global profits are dependent on the cheap labour of the world’s working poor, primarily women, while simultaneously undermining States’ ability to advance the right to decent work.

The deregulation of the labour market coupled with attacks on the rights to unionise to collectively bargain and to take industrial action have resulted in increasingly higher levels of inequality and harsher conditions for workers in the region. The International Trade Union Confederation (ITUC) has recognised Asia and the Pacific as a region where regular and systematic violations of workers’ rights take place, and many countries in the region top the list of worst countries in the world for working people.²⁵ The International Monetary Fund (IMF), a proponent of labour market deregulation,²⁶ has itself now recognised a “robust negative effect of deregulation on the labour share” of income²⁷ and that deregulation not only

24 UNOHCHR (2015). *International trade: UN expert calls for abolition of Investor-State dispute settlement arbitrations*, page 8. Retrieved from: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16650&LangID=E+/l+sthash.RgV10oCc.dpuf>

25 ITUC. (2018). *2018 ITUC Global Rights Index*. Retrieved from: <https://www.ituc-csi.org/IMG/pdf/ituc-global-rights-index-infographic2018-10worst-en-final-2.pdf>

26 Around 50 per cent of all lending programmes have involved one or more labour-related conditions over the period from 1994 to 2007 and 25 to 40% in the period to 2014. See report of the UN Independent Expert on Foreign Debt. Retrieved from <http://undocs.org/A/HRC/34/57>

27 IMF (2018). *Employment Protection Deregulation and Labor Shares in Advanced Economies*. Retrieved from: <https://www.imf.org/en/Publications/WP/Issues/2018/08/16/Employment-Protection-Deregulation-and-Labor-Shares-in-Advanced-Economies-46074>

reduces the bargaining power of unionised workers but spreads across economies to drag down overall wages and conditions. The Independent Expert on foreign debt and human rights found that austerity-related labour reforms eroded labour rights and gender equality and “frequently contributed to an increase in inequality and insecure and informal employment; fostered discrimination in the labour market towards young and older persons and individuals belonging to marginalised social groups; and resulted in the reduction of job-related social protection”.²⁸ Meanwhile, the Commission on the Status of Women (CSW) has recognised the significance of strong trade unions in “addressing persistent economic inequalities, including the gender pay gap.”²⁹

Continued labour deregulation perpetuates women’s subordinate position in the labour market, and women workers continue to comprise the majority in the garment industry, service industries and agricultural subsistence farming— meaning women are disproportionately relegated to low-wage, low-skilled, precarious work often without access to benefits such as sick pay or maternity leave.³⁰ In tandem with the privatisation of social services and withering social protections, minimum wages remain grossly insufficient. Further still, women subsidise the economy with a disproportionate responsibility for unpaid care work which further obstructs their ability to participate in the formal labour market and make choices over their paid work options. Not only do women in Asia earn an average of between 10 to 35 percent less than men annually, but studies show that women in Asia carry out around 2.5 times the amount of unpaid care work that men do,³¹ and globally such work equates to around US\$10 trillion a year in lost compensation for women.³²

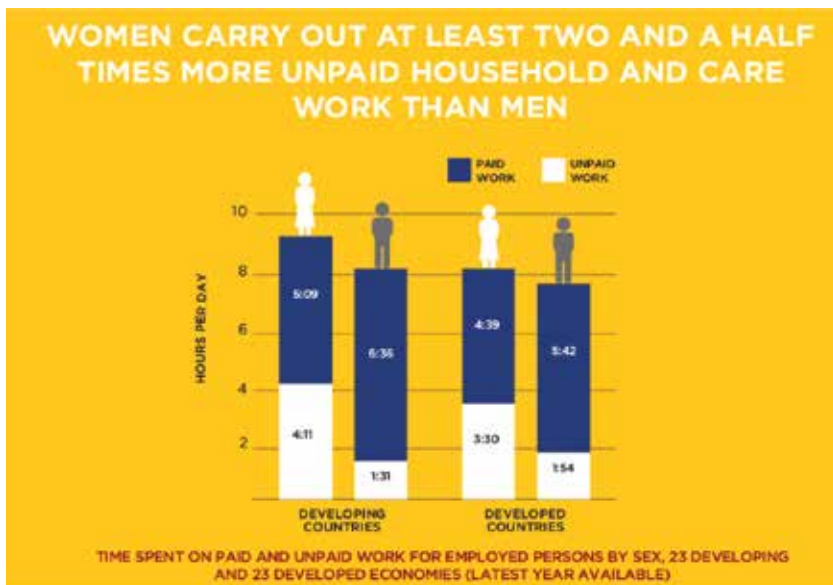
28 Human Rights Council (2017). *Report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights*, A/HRC/34/57.

29 United Nations Economic and Social Council, Commission on the Status of Women. (2017). *Report on the Sixty-First Session*, E/CN.6/2017/21. Retrieved from: <http://undocs.org/E/2017/27-E/CN.6/2017/21>

30 UN Women. (2015). *Progress of the World’s Women 2015–2016: Transforming Economies, Realising Rights*. Retrieved from: http://progress.unwomen.org/en/2015/pdf/UNW_progressreport.pdf

31 Oxfam (2016). *Underpaid and Undervalued: How Inequality Defines Women’s Work in Asia*. Retrieved from: https://www.oxfam.org/sites/www.oxfam.org/files/file_attachments/ib-inequality-womens-work-asia-310516.pdf

32 McKinsey & Company (2015). *The Power of Parity*. Retrieved from: <http://www.mckinsey.com/global-themes/employment-and-growth/how-advancing-womens-equality-can-add-12-trillion-to-global-growth>



Source: “Women in the changing world of work: Facts you should know” (2017). Retrieved from <http://interactive.unwomen.org/multimedia/infographic/changingworldofwork/en/index.html>

Women’s Lack of Access to and Control Over Land and Productive Resources: The extent to which women have secure access, use and decision-making control over land and natural resources is a significant determinant of the level to which they can enjoy their full human rights. In addition to the importance of land to livelihoods, health, security, cultural and community rights, secure access to and control over land can reduce the impact of discrimination and even reduce levels of violence against women.

Policies pushed by neoliberal institutions, such as the Responsible Agricultural Investment (RAI) framework put forward by the World Bank calling for large-scale agricultural investment by the private sector, have served as a strong impetus in enabling large scale acquisition of land and water resources by foreign investors. Currently, land grabs facilitated by multinational agrochemical companies, and enabled by increasing privately-funded and state-sponsored militarisation, are widespread in the region, displacing large swathes of populations to make way for “development” projects which deprive them of land and livelihood. Even in the face of these many threats to peoples’ and women’s land, livelihoods, and well-being, there lacks a genuine process for obtaining free, prior and informed consent (FPIC) and continuous consent from the peoples for whom these invasive projects hold the greatest impacts.

Achievement of the right to development for women is further obstructed by pervasively gendered systems of ownership of productive assets and property and access to energy perpetuated both by macroeconomic structures as well as local and regional policies. Women's rights to access, use, control and manage land are often ignored, and women's rights in this context are frequently contingent on their relationships with male family members. Even in the case that a woman owns land, there remains a general reluctance to recognise women's unmediated authority over the management of energy, land and other factors of production and it is difficult for women to be recognised as farmers and enabled to make decisions that have the potential to be responsive to women's specific needs.³⁴ Further, studies have shown that when programmes or policies to increase women's land ownership rates are in place, there is a low level of awareness by women with regards to such policies as well as a general reluctance to assert their inheritance and ownership rights.³⁵

3.2 Globalisation, Fundamentalisms and Militarism, Rooted in Patriarchy

Globalisation, Fundamentalisms and Militarism (GFM) are three forces that have major influence over the realisation of the right to development, particularly for women, in the Asia Pacific region.³⁶ These forces manifest defined by and as expressions of the ideology of patriarchy, the overarching belief that men have ascendancy and power over women's lives. Globalisation, Fundamentalisms, and Militarism underpin development policies, political and legal systems, economic and military actions, regional agenda-setting and global policy actions, creating societies that fail to deliver the full realisation of women's rights, and wherein those that stand up to defend their rights are increasingly punished or harmed.

Intrinsic to neoliberal globalisation is violence waged against the poor, and in particular poor women. This model both relies on and breeds cyclical systemic violence through such means as relentlessly exploiting women, reinforcing conditions that make women more vulnerable to violations of their human rights, and relying on enhanced militarism to silence dissent. Examples of ways in which

34 Kelkar, G and Kumar Jha, S. (2016). *Women's Agential Power in the Political Economy of Agricultural Land*.

35 Ibid.

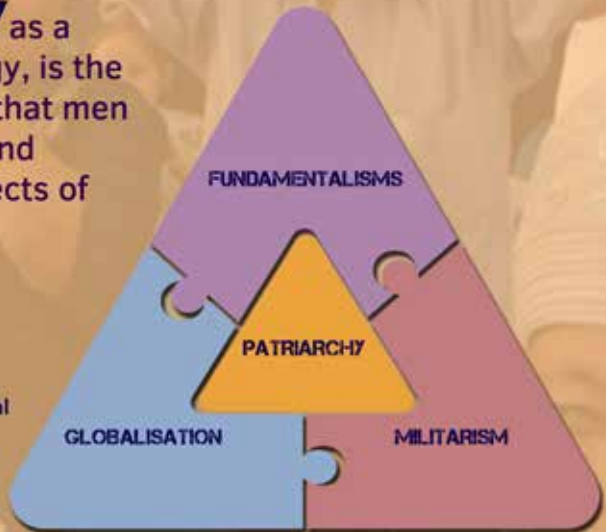
36 APWLD (2014) Patriarchy and Globalisation, Fundamentalisms and Militarism. Retrieved from: <https://apwld.org/about-us/our-analysis-on-patriarchy-and-globalisation-fundamentalism-and-militarism/>

GLOBALISATION -FUNDAMENTALISMS-MILITARISM- MATRIX AND ITS LINKAGES WITH PATRIARCHY

Globalisation, Fundamentalisms and Militarism (GFM) as it intersects with Patriarchy are the forces that control and harmfully affect people's especially women's lives.

PATRIARCHY as a system and ideology, is the overarching belief that men have ascendancy and power over all aspects of women's lives.

APWLD has continuously developed and deepened its analysis of GFM intersecting with Patriarchy and used this as a tool to critique development policies, political and legal systems, economic and military actions, regional agenda-setting and global policy actions.



Globalisation, Fundamentalisms, and Militarism intersect with patriarchy to limit the full realisation of women's rights in Asia Pacific are outlined below.

Militarism and Attacks on and Persecution of Women Human Rights Defenders and Civil Society: An influx of foreign capital and investment in the region has resulted in increasing militarisation, the consequences of which include displacement, massacres, mass violence, detention and torture, loss of crops, higher infant and maternal mortality, and extrajudicial and summary executions. Armed conflict, the threat of armed conflict and the militarisation of societies affects women in a multitude of ways — both as an immediate consequence of hostilities and as a result of the legacy of militarisation which makes it harder

for women to claim their human rights. Military operations aggravate economic insecurity when women cannot go out to farm or to look for alternative sources of income. Military operations further result in the loss of properties, destruction of shelters, schools, religious places and other important structures in communities. In many States, the prioritisation of military expenses diverts much-needed funds for basic services for people including education, health and housing. The Declaration on the Right to Development recognises that disarmament has a major impact on progressing the realisation of the right to development. By 2030 as many as half of the world's extreme poor will live in countries affected by fragility, conflict and violence — a fact which holds major implications for the future of progress in implementing Agenda 2030.³⁷

Additionally, since 2001, many countries have adopted the US stance of a “War on Terror” and have used this to justify increasing militarisation. Anti-terrorism laws have been added to Internal Security Acts to legalise political attacks and repression against opposition, critics and dissenters, including human rights defenders and organisations. Women human rights defenders are at increased risk with many governments throughout the region increasingly using militarism and violence to govern, and treating, and in some cases classifying, women human rights defenders as enemies or terrorists for voicing dissent. This becomes a common tactic to silence defenders standing up for human rights, as seen recently in the Philippines’ Department of Justice decision to create a list of ‘terrorists’ in February 2018, that included indigenous and land defenders and even the current UN Special Rapporteur on the rights of indigenous peoples, Victoria Tauli-Corpuz.³⁸ Many named on the list went into hiding or had to take safety measures for their daily lives, as the list could be used to justify their assassination by security forces.

Globally, attacks on human rights defenders have risen 34 percent in recent years.³⁹ This trend is evident in Asia and the Pacific, as a growing number of communities affected by large-scale mining and agribusiness projects have become targets of military operations and have seen increased rates of illegal arrests as well as the detention and, in some cases, murder of activists. State forces and the private

37 The World Bank (2018). *Fragility, Conflict, and Violence Overview*. Retrieved from: <http://www.worldbank.org/en/topic/fragilityconflictviolence/overview>

38 APWLD (2018) “Statement: Women Human Rights Defenders are NOT Terrorists!” Retrieved from: <https://apwld.org/statement-women-human-rights-defenders-are-not-terrorists/>

39 The Guardian (2018). “Attacks and Killings”: *Human Rights Activists at Growing Risk Attacks and Killings, Study Claims*. Retrieved from: <https://www.theguardian.com/global-development/2018/mar/09/human-rights-activists-growing-risk-attacks-and-killings-study-claims>

armies of agricultural corporations and large-scale mining companies often occupy communities to pave the way for the “smooth” implementation of the “development projects” and to suppress any resistance from the residents. No meaningful progress with regards to the right to development can be made under “development” policies whose narrow and construed definition of development continues to result in violations of the human rights of vulnerable groups, and if those who oppose these conditions continue to be harmed, arrested, and killed.



Source: “Illegal arrests, frustrated killing, threats vs communities & rights defenders in first two weeks of 2018” Karapatan (2018).

The situation for human rights defenders has grown especially grave in the Philippines, where data collected by human rights organisation Karapatan shows that between July 2016 to December 2017 there have been 126 victims of extrajudicial political killings, 235 victims of attempted extrajudicial killing, 1,202

illegal arrests, and 426,590 people forced to evacuate due to military operations. Karapatan has also recorded 17 women activists killed and 42 arrested between July 2016 to September 2017.⁴⁰ This of course coincides with growing inequality and concentration of wealth in the hands of the few, as well as a climate crisis.

Violence Against Women and Lack of Access to Justice: Violence against women, in its varied and wide-ranging contexts including the violence of inequality, exploitation, and dispossession, stands as a major threat to women's right to development. Violence against women is sustained and manifested in fundamentalist societies throughout the region wherein power is exercised through the regulation of women's bodies and freedoms, in discriminatory structures that restrict women's access to opportunities and resources, in institutionalised sexism which denies women access to justice, and in models of consumption and production that rely on and exploit women's overrepresentation in informal and reproductive work. Policy prescriptions often fail to address these underlying causes or to appreciate the multidimensional nature of gender-based violence. Instead, they typically revolve around increased policing and stiffer punishment for perpetrators of individual acts of violence—and even then only rarely. Meanwhile, corporations, governments, and institutions that exploit and abuse women on a far larger scale continue to do so with impunity.⁴¹

Further, women remain less likely to have access to state services that provide support to survivors of violence, are less likely to have access to justice through courts and police, and women are less likely to be able to leave violent relationships due to societal pressures and lack of financial resources. The climate crisis should also be viewed in the context of violence against women, as it exposes women, and in particular women who have contributed least to the climate crisis, to disproportionate dangers as well as increases women's vulnerability to abuse and violence.⁴²

40 Karapatan (2018). *Illegal arrests, frustrated killing, threats vs communities & human rights workers reported in first two weeks of 2018*. Retrieved from: <http://www.karapatan.org/Illegal-arrests%2C+frustrated+killing%2C+threats+vs+communities+%2526+human+rights+workers+reported+in+first+two+weeks+of+2018>

41 APWLD (2014). *To End Violence Against Women, Address the Exploitation at its Core*. Retrieved from: <https://apwld.org/to-end-violence-against-women-address-the-exploitation-at-its-core/>

42 APWLD (2017). *Submission on the on "General Discussion on Gender Related Dimensions of Disaster Risk Reduction and Climate Change (DRRCC)" by the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW)*. Retrieved from: <https://www.ohchr.org/Documents/HRBodies/CEDAW/ClimateChange/APWLD.pdf>

The largest global study on violence against women found that the key to achieving progressive changes to laws and policies on violence against women is the existence of autonomous feminist movements.⁴³ As violence against women, in its many differentiated and intersecting forms, remains a major obstacle to the realisation of women's right to development, an enabling environment for women's collective power is thus vital for implementation of Agenda 2030 and the genuine achievement of women's right to development.

3.3 Climate Change

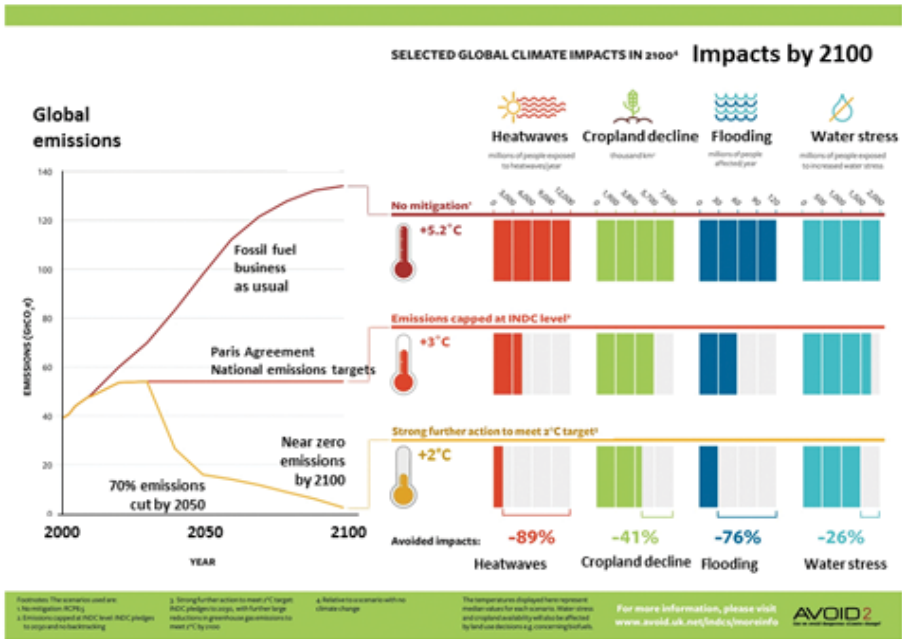
Reiterating the principle of international solidarity, the Declaration on the Right to Development (1986) recognises the obligation of States to cooperate with each other to eliminate barriers to development and to create national and international conditions favourable to the realisation of the right to development. However, the global climate crisis, in threatening the very habitability of the planet, stands as one of the foremost threats to the achievement of the right to development. The Intergovernmental Panel on Climate Change's (IPCC) recently released report paints a bleak picture of a warming world, as the authors found that even the target 2°C global warming above pre-industrial levels agreed upon in the Paris Agreement will lead to more heat-related deaths, smaller crop yields, worse extreme weather events, slower economic growth, more people in poverty, and will increase the population facing water stress by up to 50 percent compared to a 1.5°C world.⁴⁴ The report further highlighted that, without commitments to transition away from a fossil fuel based economic system, we are on track to burn through the rest of the 1.5°C carbon budget within the next three to ten years and that, in order to stay below 1.5°C, the world must embark on a massive, radical global effort to transition away from fossil fuels, and also start removing carbon dioxide from the atmosphere at large scales. However, extractive industry behemoths, many of which stand amongst the largest economic entities in the world, maintain powerful influence over the global political economy.⁴⁵ There exists a dire need to move away from a consumption-based, extractive and exploitative economy through a just and

43 Htun, M. & Weldon, L. (2012). *'The civic origins of progressive policy change: combating violence against women in a global perspective, 1975-2005'*, American Political Science.

44 Intergovernmental Panel on Climate Change (2018). *Report: Global Warming of 1.5 °C*. Retrieved from: <https://www.ipcc.ch/report/sr15/>

45 Oxfam (2018). *Of the World's top 100 economic revenue collectors, 29 are states, 71 are corporates*. Retrieved from: <https://oxfamblogs.org/fp2p/of-the-worlds-top-100-economic-entities-29-are-states-71-are-corporates/>

Our Global Climate Change Future: Disastrous to Total Catastrophe



Source: from UK Met Office AVOID advanced model project <http://www.avoid.uk.net/indcs/moreinfo/>

Climate Emergency Institute

Source: <https://static.secure.website/wscfus/8154141/8107481/avoid-met-indcs-impact.png>

equitable transition to new economies that work in the interest of all people and through the development of a renewable energy industry based on the principles of decent work and gender equality.⁴⁶

Women are disproportionately vulnerable to climate change and disasters, largely due to their lack of socioeconomic power and higher susceptibility to poverty. Research shows that catastrophic events under climate change lower women's life expectancy more than men; more women are killed or killed younger by natural disasters; and women have a harder time recovering after extreme weather events that affect infrastructure, jobs and housing.⁴⁷ Further, estimates show that climate-

⁴⁶ APWLD (2018). *Just and Equitable Transitions Briefer*. Retrieved from: <https://apwld.org/new-resource-just-and-equitable-transitions-briefer/>

⁴⁷ Halton, M. (2018). *Climate change 'impacts women more than men'*. BBC. Retrieved from: <https://www.bbc.com/news/science-environment-43294221>

induced migration will reach up to 1 billion people by 2050.⁴⁸ Mass climate change-induced migrations are likely to increase the risk of conflict in host communities as tensions and competition over land and resettlement areas arise. As women make up 80 percent of those displaced by climate change, this exposes women to the traditional threats of living around violence and increases women's disproportionate vulnerability to displacement which itself exposes women and girls to a heightened risk of sexual violence, seriously restricts their employment and livelihood options, and increases the likelihood that families will be separated by further migration out of the area.^{49 50}

Women's exclusion from decision-making and limited access to and control over resources impedes their rights, and in the case of climate change, means that women's voices are absent from decisions about environmental management, climate change adaptation and mitigation, with long-term consequences for the wellbeing of women, their families and the sustainability of their communities. Climate change is expected to reduce agricultural production between 2-15 percent and decrease the nutritional value of crops as CO₂ emissions reduce the nutrient content of soil.⁵¹ Perversely, while there is a huge disparity in historical emissions between wealthy and developing countries, rural communities in developing countries have low or even negative emissions. As discussed earlier in this report, neoliberal economic policies continue to lead to the displacement of traditional and sustainable farming practices which contribute least to the climate crisis and which outperform the use of chemical fertilizers in boosting food production in areas with the highest populations of hungry people. All the while, small land-holdings by women using agroecology principles are known to improve both soil sequestration and prevent erosion and other degradation through pollutants, and when women are given equal rights to land holding and inputs yields grow and can prevent deforestation.⁵²

48 Morris, N. (2008). *Climate change could force 1 billion from their homes by 2050*. The Independent. Retrieved from: <http://www.independent.co.uk/environment/climate-change/climate-change-could-force-1billion-fromtheir-homes-by-2050-817223.html>

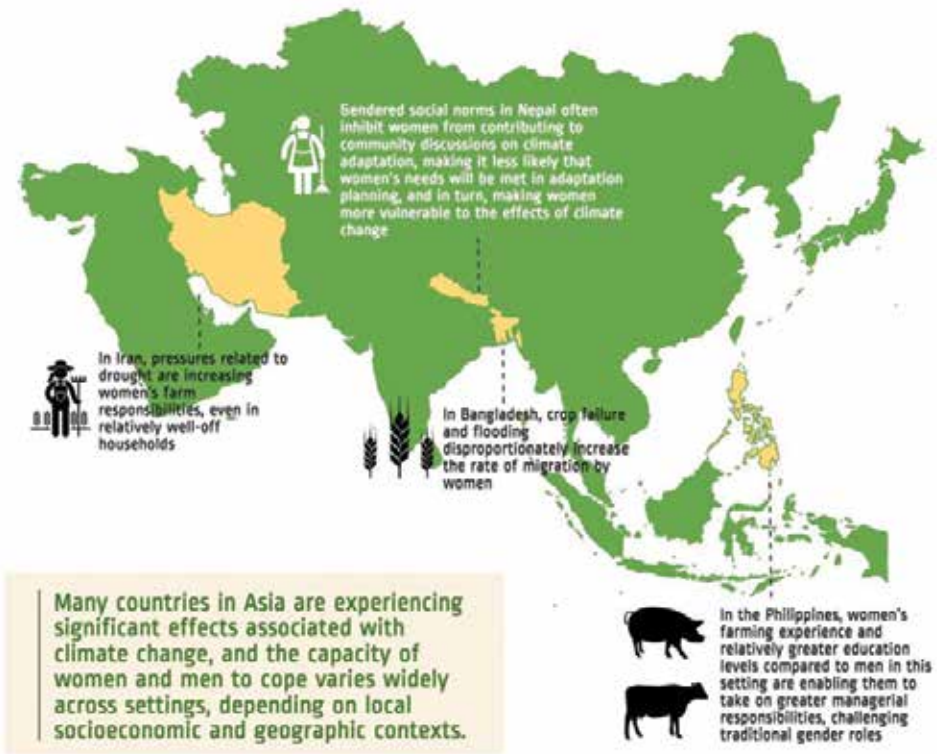
49 APWLD (2015). *Climate Change and Natural Disasters Affecting Women Peace and Security*. Retrieved from: <http://apwld.org/wp-content/uploads/2015/03/Climate-change-Natural-disasters-Conflict.pdf>

50 Radhika Coomaraswamy (2015). *Preventing Conflict, Transforming Justice, Securing the Peace: A Global Study on the Implementation of UN Security Council Resolution 1325*.

51 UN Women (2017). *Report of the Expert Group Meeting on the CSW 62 Priority Theme: Challenges and Opportunities in Achieving Gender Equality and the Empowerment of Rural Women and Girls*.

52 Project Drawdown: *Women Smallholders*. Retrieved from: <https://www.drawdown.org/solutions/women-and-girls/women-smallholders>

ASIA



Source: <https://womendeliver.org/wp-content/uploads/2016/12/GGCA-Infographic-by-CT-FINAL.jpeg>

Climate change therefore necessitates a fundamental reorientation of our economies and political systems to address the underlying, patriarchal injustices that frame globalised capitalism including the gendered division of labour, sexist systems of land and productive asset ownership, and decision-making processes which exclude women's voices.

4 Case Studies: Community-Led Initiatives Advancing the Right to Development

This section shares a variety of case studies from the Asia Pacific region, illustrating examples of inclusive and community-led development initiatives that capture the change envisioned by Development Justice, and advances meaningful realisation of women's right to development. Not coincidentally, these examples show the importance of communities, the right to organise and the power of autonomous people's movements.



India: Nurses organise to demand their labour rights

Until 2011, nurses in India were largely unorganised, low paid and often subject to exploitation, including forms of bonded labour and bullying. In 2011, following the suicide of nurses subjected to extreme financial stress from debt and bonds that made it impossible to leave employment, nurses took collective action across the country. Six nurses came together and formed the United Nurses Association (UNA), initially in Kerala and then across the country.⁵³ UNA has dramatically increased wages for nurses, increased the status and power of nurses and increased nurse to patient ratios in numerous hospitals across the country. Remarkably, the union has increased wages by up to 30 times in the short six years it has existed as well as addressed issues of violence, bullying, provided support for families in distress and expanded to support migrant nurses abroad. Through collective action and solidarity UNA has advanced the right to development for nurses and their families and improved the standard of health in India.

India: Forest Rights Act enables communities to obtain collective rights to forest lands Odisha

The Forest Rights Act passed by the Government of India in 2006 established land ownership rights for individuals and communities who have lived in the forest for generations. The Act enables these individuals to own plots of land to both reside on and cultivate. Communities can also obtain collective rights to their community forests and forest resources. This Act has mainly benefitted indigenous Adivasi forest-dwelling communities, including the Koya tribe that inhabit the Malkangiri district in Odisha. The Forum for Regional Initiative on Tribal Empowerment and Solidarity (RITES Forum), an APWLD member, has built awareness of the Forest Rights Act amongst forest-dwelling communities such as the Koya through awareness-building campaigns and the establishment of Forest Rights Committees (FRCs) in every village. RITES Forum's efforts have included organising FRC meetings, engaging government authorities to discuss the merits and challenges of the Act, and mapping every village in order to secure community land rights. For instance, in one village, the Niliguda village, community members were able to claim 48 forest lands through community campaigns to assert their rights under the Forest Rights Act. One community member, named Deba Podiami, said that

53 Philip, S (2011). *Kerala nurses find a voice that echoes all over*. Retrieved from: <http://archive.indianexpress.com/news/kerala-nurses-find-a-voice-that-echoes-all-over/887841/>

before RITES Forum prompted these community-led efforts, “We had a fear that at anytime the government might ask us to leave the forest land. We are [now] able to own 80-90 percent of the land we are using for many years. We can now develop our lands and do more cultivation without any fear of being evicted.” In the last four years RITES has enabled 4,250 families, including 420 women-led households and 84 bonded labour households, to receive ownership rights over their land.

Indonesia: Supreme Court rules in favour of citizens challenging water privatisation in Jakarta

In 2013, a coalition of activists, trade unions and Jakarta residents filed a class-action lawsuit against Jakarta’s public water contract partner PAM Jaya, seeking to annul a 1997 agreement with two foreign companies.⁵⁴ The Coalition of Jakarta Residents Opposing Water Privatisation (KMMSAJ), which included feminist organisation Solidaritas Perempuan (SP), claimed that private companies failed to guarantee the right to clean water in Jakarta. Through interviews with affected communities, SP documented that Jakarta residents were paying the highest prices in Southeast and in exchange receiving contaminated water that is causing skin disease and affecting women’s reproductive health.⁵⁵ The two companies, PT Palyja and PT Aetra, meanwhile made profits to the tune of US\$ 29,000 and US\$18,800 respectively in a year (2010).

The 1997 contract came out pressure from the World Bank in the 1990s to several countries to privatise water delivery services,⁵⁶ as well as the power that then dictator Suharto had to give out contracts to two firms without competitive bidding. One company had entered a concession agreement with his son. This demonstrates how neoliberal economic policies and lack of democratic accountability can work together to undermine the will of the people, and the real risks that arise from public-private partnerships when responsibility for delivery of public goods and services is given to private companies that operate for profit.

54 Elyda, Corry, and Dewi, Sita W. (2013). *The Jakarta Post: Water privatization challenged after 16 years*. Retrieved from: <https://www.thejakartapost.com/news/2013/06/05/water-privatization-challenged-after-16-years.html>

55 Kurniawaty, Arieska (2018). *The Jakarta Post: Court rules to end water privatization: What next?* Retrieved from: <https://www.thejakartapost.com/academia/2018/01/25/court-rules-to-end-water-privatization-what-next.html>

56 Varagur, Kritika (2017) *VOA: Massive Water Privatization Program to End in Jakarta After 18 Years*. Retrieved from: <https://www.voanews.com/a/water-privatization-to-end-in-jakarta/4077224.html>

In 2015, the Central Jakarta District Court approved the KMMSAJ lawsuit, stating in its verdict: “*The defendants have been negligent in fulfilling the human right to water for Jakarta.*” Although the companies won an appeal in 2016 at the Jakarta High Court, in 2017 the Supreme Court overturned the appeal, returning to the District Court decision and acknowledging that the “*agreement has had a real and extraordinary impact on society.*”⁵⁷ The case can be considered as an example how a strong and independent judiciary can play a role in enabling Development Justice.

Malaysia: Penang State practices participatory budgeting

In 2011, Good Governance and Gender Equality Society (3Gs Society) held a conference on gender justice in Penang, in northwest Malaysia. Participants included state and municipal representatives as well as civil society, and the outcome of the meeting was a declaration committing the Penang State Government to implement gender-responsive budgeting. It is the first state in Malaysia to do so. The Penang Women’s Development Corporation (PWDC) was subsequently created to implement this commitment.⁵⁸

Gender Responsive and Participatory Budgeting (GRPB) framework was developed by several feminist activists who worked to set up the PWDC. Inspired by Paolo Freire’s *Pedagogy of the Oppressed* and other Latin American movements advocating for participatory governance, the GRPB recognises the differences in need and use of public services by men and women and enables budgets to be determined according to the needs of the recipients of those services. Under the GRPB, the Penang Municipal Council allocates a certain amount to a particular low-income community. Instead of the Council determining how the budget is spent, the PWDC would instead go in to the community, carries out a series of focus group discussions with different demographics within the community. These discussions help identify concerns within the community, and the community then can vote on the ones they consider priorities. This means that regardless of the specific amount allocated from the budget, the spending itself is based on the community’s own determination of its actual needs and priorities.⁵⁹

57 *ibid*

58 UNDP Asia Pacific. Budgeting to bring better lives for all. Retrieved from: <http://www.asia-pacific.undp.org/content/rbap/en/home/ourwork/sustainable-development/successstories/budgeting-for-all.html>

59 Lochhead, James, Durano, Marina, and Ng, Cecilia (2016). Gender Responsive Budgeting Why we should adopt it and how. Retrieved from: http://pwdc.org.my/wp-content/uploads/2016/06/grb_book_english-2011j.pdf

Penang's Municipal Councils piloted this project in a few select communities in 2013, devoting US\$ 15,000 to the upgrade of a recreation park and the building maintenance of a low-cost housing project, which the respective communities had identified as their priorities. The council had also since included more communities and is reportedly planning to expand the GRPB even further.⁶⁰

Pakistan: Community Health Workers (CHWs) unionise to be recognised as workers

The public health system in rural India, Nepal and Pakistan depends on the work of many Community Health Workers (also known as Community Health Volunteers, Lady Health Workers or Accredited Social Health Activists), almost all of whom are women. CHWs provide reproductive health information, maternal and child health support, nutritional supplement dispensers, vaccination support and can often be the only access to public health support women receive. Despite providing the scaffolding for rural public health systems, these workers are largely unpaid and unprotected.

Global trade union federation Public Services International (PSI), which represents over 20 million workers in 154 countries, has been working with groups of CHWs to unionise and campaign to be recognised as workers with a right to a minimum wage, pensions and other entitlements of public sector employees. In Pakistan, the Pakistani National Programme for Family Planning and Primary Health Care (FP&PHC), informally known as the Lady Health Workers (LHWs) programme was created in 1994 aiming to improve maternal, neonatal and child healthcare, family planning services and integration of existing vertical health promotion programmes. After three months of basic training and a 12-month period of supervision, an LHW is responsible for the basic healthcare needs of 1,000 to 1,200 people, or roughly 175 households. There are currently around 125,000 LHWs. Through collective action LHWs in Pakistan won recognition as government employees in 2013 with entitlements to minimum wages, pensions and holidays. Most recently, in 2018, they won their battle to be recognised as a union in Sindh province. LHWs are commonly the first women in their families to secure paid work, particularly as a government employee. Their income represents 69

⁶⁰ UNDP Asia Pacific. Budgeting to bring better lives for all. Retrieved from: <http://www.asia-pacific.undp.org/content/rbap/en/home/ourwork/sustainable-development/successstories/budgeting-for-all.html>

percent of household income, on average and has contributed to higher education and health outcomes in their families.⁶¹ Regularisation also has important public health outcomes with women likely to retain the role for longer and be able to accrue higher levels of training, consequently delivering higher care.

Pakistan: Communities use agroecology to adapt to climate change

The riverine belt in Multan district, Punjab and Ghotki district, Sindh are considered amongst the most marginalised regions in Pakistan. Thousands of landless people have made their homes along the riverine belt in areas highly susceptible to flooding and without access to essentials including education, health services, or traditional livelihoods. Many who are living in these communities survive by working as sharecroppers or leasing one to two acres of land for a half or full year, both immensely expensive practices that (after the cost of leasing the land, purchasing seeds, fertilisers, pesticides, and for sowing a harvest) often leaves farmers with no savings. In recent years, the situation has become dire as climate change has led to increasingly erratic flooding and interrupted traditional farming seasons.

In 2014, the organisation Roots for Equity initiated a three-year project entitled, 'Sustaining Lives and Livelihood: Fighting Climate Crisis in Rural Communities' focused on highlighting the significance of food sovereignty in achieving climate justice, promoting agroecological agriculture as a practical way to adapt to and mitigate climate change, and understanding the socio-economic situation of the landless living in the riverine areas. Under the project, communities selected the most marginalised farmers amongst them to receive one acre of land that they could cultivate for three years. Farmers involved in the program used only indigenous and local seed, traditional fertilisers such as animal manure and green compost, and worked to identify biological pesticides that could be used. A total of 57 farmers, both men and women, benefited from this initiative. Most participants reported that their harvests met their needs for the entire year, sustained them even during flood season, provided them seed for the season's planting, and, in some

61 Aye, B. et al. *Decent Work for Community Health Works in South Asia: A Path to Gender Equality and Sustainable Development*. Retrieved from: https://www.ilo.org/wcmsp5/groups/public/--dgreports/---dcomm/documents/publication/wcms_616210.pdf

cases, enabled farmers to make a small revenue from selling particular crops. This initiative demonstrated the power of control and ownership of land and productive resources in breaking the cycles of poverty and debt and meeting community needs, and further demonstrates the significance of food sovereignty in advancing the right to development.

Papua New Guinea: Women resist mining on Bougainville

Bougainville suffered a 20-year civil war when one of the world's largest open pit mines, Panguna, destroyed the rivers, lands, environment and the traditional lives of the communities living on the island. Between 1972 and 1989, it provided nearly 40 percent of Papua New Guinea's GDP and made billions in profit for its operator, Bougainville Copper Limited (BCL), a former subsidiary of Rio Tinto. While less than one percent of those profits were reinvested in Bougainville, hundreds of millions of tonnes toxic by-product of industrial mining were dumped straight into rivers, turning vast tracts of once-fertile farming and hunting grounds into barren wastelands.⁶² In 1989, angered by inequity and environmental damage, the people of Bougainville shut down the Panguna mine, which ignited a an armed conflict between the local rebel groups and the PNG Defense Force. By 2001, when a lasting peace agreement was signed, the conflict had killed 15,000 to 20,000 Bougainvilleans – 10 percent of the population.⁶³

Although women of Bougainville are regarded as the custodians of land, they were not consulted regarding opening of the mine. Nonetheless, women of Bougainville remained at the forefront of movements to keep the Panguna mine closed. In 1988, women and students from Pirurari village organised a demonstration, blocking roads to the mine, in protest against the waste being released on their land by BCL.⁶⁴ In 2010, when there was a proposal to reopen the mine, women, as landowners, demanded to be part of the negotiation process. In June 2017 women protesters successfully blockaded the signing of Memorandum of Understanding

62 Ian Lloyd Neubauer (2018). Penthouse: Is Bougainville on the brink of war? Retrieved from: <http://www.penthouse.com.au/articles/tech/is-bougainville-on-the-brink-of-war>

63 Catherine Wilson (2018), Retrieved from: <https://www.lowyinstitute.org/the-interpreter/new-battle-bougainville-s-panguna-mine>

64 Nikana Kangsi, Nikana Dong Damana (2014). Voices of Bougainville, pg 18. Retrieved from: <https://ramumine.files.wordpress.com/2014/09/jubileeaustralia2014voicesofbougainville.pdf>

(MoA) between the Bougainville Government and BCL, which might have paved the way to reopening the mine, and also won a court injunction.

“As long as I am the Chief from Panguna and Guava Village and owner of my land, BCL is not welcome. This is the company that has killed our sons and daughters. ABG has to stop ignoring the cries of the women and take note that BCL is never allowed to come back to Panguna, and this is final and it is not negotiable.”

— Chief Maggie, former primary school teacher from Bougainville⁶⁵

This particular case, which has parallels in different parts of the world, shows that an extractivist-based economy is not compatible with the right to development. It also demonstrates that women’s meaningful participation in decision-making and peace processes is vital for advancing Development Justice.

Philippines: Women’s groups organise to develop the Women’s Agenda

Implementation of the Agenda 2030 relies on countries’ own sustainable development policies, plans and programmes. The government of the Philippines has stated that its mechanism to achieve the Agenda 2030 is through the 0-10 Point Socioeconomic Agenda (Philippine Development Plan). Recognising the plan as a set of neoliberal policies that would reinforce and aggravate the dire condition of women and their families, in 2016, over 250 women’s groups gathered to develop the Women’s Agenda, a set of demands for people-centred development programmes. The demands range from ending privatisation of public hospitals to ending military presence in indigenous schools and establishing violence against women desks at every village.

The Women’s Agenda provides a list of concrete steps and policy changes the Philippine government could take to deliver and prioritise comprehensive social services, human rights and social justice, genuine land reform and national industrialisation, and environmental protection. The Women’s Agenda was submitted to President Duterte in Malacanang Palace in 2016. This initiative

⁶⁵ Papua New Guinea Watch (2017). Bougainville: Landowner women protesters block mine pact, win court order. Retrieved from: <https://ramumine.wordpress.com/2017/06/19/bougainville-landowner-women-protesters-block-mine-pact-win-court-order/>

demonstrates the strength of collective power in challenging patriarchal structures and systems that violate women's human rights and how freedoms to organise and assemble are components of implementing the right to development.

Philippines: Indigenous women struggle against Chevron's geothermal project in Kalinga

The Philippines is the second largest producer of geothermal electricity after the United States. In Kalinga Province, prospecting for the 120 megawatt (MW) Geothermal Project began in 1976, which met with protests from the community. In 2010, Chevron signed a farm-in agreement with Guidance Management Corporation-Aragorn Power Corporation (GMC-APEC) to develop the geothermal plant covering 11 ancestral domains belonging to indigenous peoples.

In 2012, Chevron conducted testing in a rice field without consent from the community. Fearing the loss of their ancestral land, livelihood, environmental damage and militarisation, the indigenous women resisted. They created a barricade, blocking the Chevron officials and asking them to remove their equipment from the land. State armed forces were deployed in the community to secure company assets. Despite receiving threats, harassments, intimidation from



Indigenous women of Kalinga create a barricade to block the Chevron officials to install geothermal equipment on their land without FPIC, 2012

military personnel the women continued their resistance, and gathered evidence of their human rights violations. They submitted two petitions to the local government articulating their opposition to the geothermal project and demanding military troops to be removed from their community. They developed an evidence-based position paper and used it in larger avenues such as at a workshop on corporate energy, and national indigenous peoples movements to expose Chevron's dirty tactics and interests, and to demand Development Justice.

This initiative shows that corporate capitalism, often facilitated by governments, does not work in the interest of the people. A new model of development is needed to assert the right to development for all peoples over private profit.

Philippines: Uma people organise for energy democracy

The concept of energy democracy is a pathway to mitigate greenhouse gas emissions while advancing women's rights. Energy democracy is achieved when communities, including women, have ownership of the form and delivery of energy. It is vital to ensure that women are fully empowered to make decisions around energy which affect their lives, starting from energy access and ownership to the forms of energy matching community needs.

Uma is a small village in the province of Kalinga in northern part of the Philippines that is home to an indigenous population who are involved in subsistence agriculture. The village lies on a rich geothermal territory and multinational corporations have attempted commercial projects in the area since the 1970s. The Uma people first organised to successfully close a mining company operation in the 1980s. Since then, the community has organised to oppose any commercial energy projects in their town. In the early 2000s the indigenous people's organisation in Uma decided to utilise the town's resources to develop a micro-hydro facility. After a decade of interruptions, and with financial and technical assistance from a variety of NGOs, the Uma formed their electric cooperative (called Agelco), and built their micro-hydro facility, which was directly managed by them. Women played an active and vital role in this process. The micro-hydro facility provided lights for 86 out of 92 households in Uma as well as a rice and corn mill. Through collective action and communal control and use of productive resources, the Uma people asserted their right to development and proved the power and potential of energy democracy.

Micro and nano hydro facilities or solar facilities are viable alternatives in remote rural areas as well as geographical terrains that make the implementation of

a national grid impossible. In Asia Pacific, which is host to the highest mountains in the world as well as the largest delta and archipelago, access to electricity needs to be provided through different means than mega-energy which disproportionately and adversely impact rural and indigenous communities. Although there is a rise in energy production in the past two decades, the number of rural people without access to energy systems has barely altered.⁶⁶ According to 2016 data from the International Energy Agency, within 1.1 billion people worldwide are estimated to live without access to electricity, with a large number are in rural areas. Energy democracy is an important concept to include in realising the right to development, as access to renewable, clean, safe, predictable energy can be transformative to community livelihoods, and for women can alleviate some of the unpaid work burden as well as increase health and livelihood standards.

Philippines: Urban poor women resist privatisation of public markets in Manila

“Is it impossible to modernise without private contractors? We want modernisation, we want development; but we want a kind of development in which we are included, in which we are thought of, and our situations and capacities taken into consideration.”

— *Faela Esponilla, 38*

In early 2015 the Manila Local Government enacted public-private sector partnerships called The Manila Joint Venture Ordinance, also known as City Ordinance No. 8346, calling for the privatisation, demolition, and rebuilding of 7 of the city’s 17 public markets. The government promoted Ordinance No. 8346 as a plan to renovate and modernise the markets, but by privatising public utilities and services, the government is giving power to profit-driven private entities that have no obligations or motives to protect the rights of the urban poor.

The women living in various urban poor communities working as market vendors in the Maisan section of Sampaloc recognised that the privatisation of public marketplaces threatens their lives and livelihoods, and further exacerbates their vulnerable position as workers in the informal economy who lack legal and social

⁶⁶ Angelou, Nicolina; Elizondo Azuela, Gabriela; Banerjee, Sudeshna Ghosh; Bhatia, Mikul; Bushueva, Irina; Inon, Javier Gustavo; Jaques Goldenberg, Ivan; Portale, Elisa; Sarkar, Ashok. 2013. Executive summary. Sustainable energy for all. Washington DC ; World Bank. Retrieved from: <http://documents.worldbank.org/curated/en/250491468182351466/Executivesummary>

protections. With the support of a local NGO, Tanggol Bayi, a group of urban poor women collaborated with local vendors associations and campaigned to resist Ordinance No. 8346.

Their efforts led to dialogues between the local vendors' association Save Manila Public Market Alliance and local government officials, which resulted in a series of concessions in favour of vendors, such as halting rent increases for two years, declaring that supervision and control of market administration would continue to be the responsibility of local government, creation of a seat on the market management board for a representative from the vendors' association, allowing vendors to continue to work during renovations, and more. Monitoring continues, but these concessions remain in place till date, despite only a two-year period accorded by the local government, which supposedly ended in 2017.

The vendors' organisations also developed a Vendors' 10-point Agenda, owned and created by urban poor women to advance their struggle and assertion for their right to livelihood. As part of their lobbying efforts, the Presidential Commission on the Urban Poor (PCUP) held a vendor's conference and tri-wheels conference in June 2017, which included discussions on implementation of the Vendor's Agenda by the local government of Manila. Till date, the Trabajo and Sampaloc markets, remain as public facilities due to the consistent efforts of urban poor communities and organisations supporting



Urban poor women resist privatisation of public markets in Manila

them. This initiative demonstrates the power of collective organising to increase government's accountability to peoples.

Vietnam: Women gain recognition for their vital role in climate change adaptation and disaster readiness⁶⁷

Women in the coastal lagoon area of Thua Thien Hue province in Vietnam are facing an increasing threat of natural disasters, most notably floods and typhoons. Natural disasters have been more frequent and more destructive in recent years. Typhon Xangsane in September 2006 caused an estimated US\$ 650 million in damages. Women have a high burden of responsibility when a natural disaster hits the province. They play an important role in the work of storm and flood control, protecting children and older family members, and are largely responsible for recovering the house after the disaster. However, existing social structures deprive women of education opportunities, training and engagement in disaster prevention and preparedness, and women often end up the most vulnerable to natural disasters. Lacking access to warning information and critical skills such as swimming, women are extremely ill-prepared for natural disasters.

Women of Thua Thien Hue province have demanded increased representation in government policy and decision-making bodies. They created a play to highlight the importance of including women in 'Village Rapid Response Teams' to respond to disasters, and stress the need to replicate this model in other communes. They participated in technical trainings, disaster drills, and first-aid classes to improve the capacities and resilience of women. Their efforts have led to the appointment for the first time of more than 60 local women to 12 of the disaster response teams. They are now advocating for the adoption of a policy on the inclusion of female members in the response teams in all communes of the district.

This initiative shows the importance of participation of rural women in policy and decision-making not just in reducing their vulnerability to climate change, but also making them agents and not subjects of mitigation and adaptation policies. In this way, advancing Development Justice can be more transformative than the SDGs.

⁶⁷ APWLD (2015). *Report: Women Warming Up! Building Resilient, Grassroots Feminist Movements for Climate Justice in Asia-Pacific*. Regional report from the Feminist Participatory Action Research, APWLD Climate Justice Programme 2014-2015. Retrieved from: <http://apwld.org/wp-content/uploads/2018/10/CJ-FPAR-regionalreport.pdf>



Local women participate in disaster risk reduction training Thua Thien Hue province in Vietnam

5 Recommendations:

For more than 30 years, APWLD and its members have seen, lived and experienced how the current development model does not work. Not only has the current development model failed to ensure the right to development for all, it has also continued and perpetuated the violations of women's human rights. Ensuring the right to development for the large majority of the world's population instead of the few, and especially the right to development for rural women, indigenous women, urban poor women, women workers, women farmers and differently-abled women would require a structural and systemic transformation of our current development paradigm and model. Such systemic and structural changes are possible, as illustrated through this submission by women and communities from the Asia Pacific region.

Below are our concrete recommendations to achieving just, inclusive and equitable development:

- Redistributive global and national policies and the guaranteed provision of services critical for the realisation of human development including: universal health coverage, social protection, water and sanitation, energy, education, emergency services, housing and food.
- Provide guidelines regarding the obligations of states to address the root causes and structures impeding upon the right to development, which are the same structures that cause—and indeed rely on—gender inequality and a disregard for women's human rights.
- Recognise and protect the work of women human rights defenders, end all forms of persecution and violence against them, guarantee access to justice and remedies and ensure an enabling environment for their courageous act of resistance and activism.
- Restore, respect and promote rights to freedom of association, to organise and collectively bargain, including the right to strike and take collective action in defence of labour rights and the public good;
- Eliminate laws that restrict rights of civil society and trade unions to self-organise, to engage in democratic processes, including the right to assembly;
- Require that states must apply their extraterritorial obligations including

by, inter alia, regulating the actions of multinational corporations auspiced in their countries, supporting the process for the creation of the Legally Binding Treaty on Transnational Corporation and Other Business Enterprise at the Human Rights Council, and creating global architecture to ensure tax evasion and minimisation is eliminated.

- Ensure that debt financing arrangements between lending and receiving states are designed with the specific purpose of advancing human rights and adhere to the principles established in the 2015 UN General Assembly Resolution on Basic Principles on Sovereign Debt Restructuring Processes.⁶⁸
- Ensure that states act to limit climate change through radically reducing carbon emissions nationally and across their production and consumption supply chains, applying human rights obligations as a primary objective of trade and in any roles the state plays in international financial or other global institutions as well as through the provision of overseas development aid designed to meet the Paris Principles for development assistance.
- For states to ensure the primacy of human rights over trade and investment agreements, by ensuring that states carry out human rights impact assessments of free trade agreements or any economic reform policies prior to entering into it.

Conclusion

APWLD welcomes this opportunity to share its analysis on advancing the right to development, based on the experience of our diverse membership which include grassroots organisations, trade unions and women human rights defenders. In this publication, it is evident that there are many ways that gender is affected by the right to development, and that it is important to take into account the different lived experiences across Asia Pacific in implementing the right to development and developing guidelines for states to do so.

⁶⁸ UN General Assembly (2015). Resolution adopted by the General Assembly on 10 September 2015. A/RES/69/319 http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/69/319





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